



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EJK:NS
F.#2012R00408

*271 Cadman Plaza East
Brooklyn, New York 11201*

May 4, 2012

By Hand and ECF

Deirdre von Dornum, Esq.
Federal Defenders of New York, Inc.
1 Pierrepont Plaza, 16th floor
Brooklyn, N.Y. 11201

Re: United States v. Robert DiLeo
Criminal Docket No. 12-260 (ENV)

Dear Ms. Von Dornum:

Pursuant to your request and Rule 16 of the Federal Rules of Criminal Procedure, please find enclosed with this letter discovery in the above-referenced matter. Please also consider this letter to be the government's request for reciprocal discovery.

1. Statements of the Defendant

Enclosed are copies of the following documents that contain statements made by and/or reflecting pedigree information provided by the defendant:

- Redacted copy of Report of Investigation No. 1 (Bates-numbered RD 1-5);
- Copy of agent's handwritten notes dated November 8, 2011 (Bates-numbered RD 6-7);
- Copy of agent's handwritten notes dated March 14, 2012 (Bates-numbered RD 8);
- Redacted copy of "USM 129/312 Prisoner Intake" form (Bates-numbered RD 9-13); and
- Copy of United States Marshals Service Prisoner Medical Records Release Form (Bates-numbered RD 14).

2. Prior Criminal History

Enclosed are copies of the following documents that contain the defendant's prior criminal history:

- Copy of a Repository Inquiry Report dated September 28, 2011 (Bates-numbered RD 15-16).

3. Documents and Tangible Objects

Please contact me to set up a mutually agreeable time to review the images and videos located on the items seized from the defendant's residence on November 8, 2011, including an HP Tower desktop computer, floppy disks and CDs/DVDs.

4. Reports of Examinations and Tests

Enclosed are copies of the following documents that contain the results or reports of any physical or mental examination and of any scientific test or experiment:

- Redacted copy of Report of Investigation No. 2 (Bates-numbered RD 17-21);
- Copy of "P2P Marshal 3.1.0" report dated November 25, 2011 (Bates-numbered RD 22-53).

The government will provide you with copies of reports of any additional examinations or tests conducted in connection with this case as they come available.

5. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion.

6. Brady Materials

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section

3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Nadia I. Shihata
Assistant U.S Attorney
(718) 254-6295

Enclosures

cc: Clerk of the Court (ENV) (w/o enclosures)